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COURT OF APPEAL, FOURH APPELLATE DISTRICT

DIVISION ONE

STATE OF CALIFORNIA

In re H.W., a Person Coming Under the
Juvenile Court Law.

THE PEOPLE,

Plaintiff and Respondent,

v.

H.W.,

Defendant and Appellant.

D074938

(Super. Ct. No. J237942)

APPEAL from a Judgment of the Superior Court of San Diego County,

Browder A. Willis III, Judge. Affirmed.

Justin Behraves under appointment by the Court of Appeal, for Defendant and
Appellant.

No appearance for Plaintiff and Respondent.

In January 2016, H.W. (the Minor) admitted the commission of an assault with a deadly weapon (Pen, Code,¹ § 245, subd. (a)(1)) and admitted personal use of a deadly weapon (§ 1192.7, subd. (c)(23)) and admitted he inflicted great bodily injury on the victim (§ 12022.7, subd. (a)). Later in January he admitted the offense of driving under the influence of alcohol (Veh. Code, § 23152, subd. (a)). The Minor was granted probation.

By October 2018, the Minor had admitted several violations of probation. The parties agreed to a disposition to the Division of Juvenile Justice, and the court found that the least restrictive placements had failed.

The Minor filed a timely notice of appeal.

Appellate counsel has filed a brief pursuant to *People v. Wende* (1979) 25 Cal.3d 436 (*Wende*), indicating he has not been able to identify any arguable issues for reversal on appeal. Counsel asks this court to review the record for error as mandated by *Wende*. We offered the Minor the opportunity to file his own brief on appeal, but he has not responded.

STATEMENT OF FACTS

On October 11, 2018, the minor admitted to violating the terms of his probation. The factual basis relied on by the court for this admission was the following:

"THE COURT: You had a number of conditions that you were to follow, and several that give rise to these allegations that you violated probation. One, you couldn't use alcohol or a controlled

¹ All further statutory references are to the Penal Code unless otherwise specified.

substance. It's been reported that on August 16th of this year, you tested positive for marijuana.

"Do you admit or deny?

"THE MINOR: I admit.

"THE COURT: I accept your admission. You were supposed to go to school every day or however it was set up at La Mesa Summit. It's been reported that you have not attended every single time you were supposed to.

"Do you admit or deny?

"THE MINOR: I admit.

"THE COURT: I accept your admission. As an alumnus of the Youthful Offender Unit, you were supposed to attend all the programming, to include Second Chance, and it's been reported that you did not complete all the programming such as Second Chance.

"Do you admit or deny?

"THE MINOR: Admit.

"THE COURT: I accept your admission. I find that your admissions are freely and voluntarily given to this Court. Your admission's entered into the record. With that, I find that you violated probation. The remaining admissions are dismissed with a Harvey Waiver, and we'll talk about what happens next."

DISCUSSION

As we have noted, appellate counsel has not been able to identify any arguable issues for reversal on appeal. In order to assist this court in our review of the record, and in compliance with *Anders v. California* (1967) 386 U.S. 738 (*Anders*) counsel has offered the following possible issues for our consideration: (1) Whether the minor was adequately advised of his right to an evidentiary hearing; (2) whether the court found the

least restrictive placements had failed; and (3) whether the minor's sentence was authorized and whether it was agreed to.

We have reviewed the entire record as mandated by *Wende* and *Anders*. We have not identified any arguable issues for reversal on appeal. Competent counsel has represented the Minor in this appeal.

DISPOSITION

The juvenile court's disposition order is affirmed.

HUFFMAN, Acting P. J.

WE CONCUR:

AARON, J.

GUERRERO, J.